

ARTICLE APPEARED

ON PAGE 20AVIATION WEEK & SPACE TECHNOLOGY
28 September 1981**Espionage Case**

Washington—Lt. Col. David Orser, military judge in the court-martial of Lt. Christopher M. Cooke, an Air Force Titan 2 missile officer charged with passing secrets to the Soviets, ruled last week that Cooke had not been granted immunity from prosecution (AWAST Sept. 21, p. 26).

The judge said the only person authorized to grant immunity was Gen. Richard H. Ellis, now retired, who was commander-in-chief of the Strategic Air Command. Orser cited evidence supporting General Ellis' testimony that he did not offer immunity to Cooke.

Court was adjourned Sept. 23 to permit Air Force prosecutors to obtain a Federal District Court ruling through the Justice Dept. on the use of evidence against Cooke that had been obtained under the Foreign Intelligence Surveillance Act. The defense had asked that evidence obtained under the act be suppressed.